IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

Crl.MC.No. 3790 of 2007()

SC.1714/2002 of ADDL.ASSISTANT SESSIONS COURT, KOLLAM
CRIME NO.55/01 OF CHAVARA POLICE STATION

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PETITIONER: 2ND ACCUSED

PRASAD,S/O.ARAVINDAKSHAN
AGED 30 YEARS,EDASERITHARA,
CHERUSERYBHAGAM,CHAVARA,KOLLAM.

BY ADV. SRI.K.S.MANU (PUNUKKONNOOR)
SRI.P.SREEKUMAR

RESPONDENTS: COMPLAINANT

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1. THE SUB INSPECTOR OF POLICE
CHAVARA POLICE STATION.

2. STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3790 of 2007

Dated this the 19th day of December, 2007

O R D E R

Petitioner faces indictment in a prosecution for offences punishable, inter alia, under Section 307 I.P.C. The petitioner could not appear before the learned Assistant Sessions Court, Kollam. Consequently warrant of arrest has been issued against the petitioner. Co-accused who faced trial have been found not guilty and acquitted already.

2. At the final stage of hearing in this matter, the learned counsel for the petitioner only submits that the petitioner is innocent. His absence was not wilful or deliberate. He is willing to surrender before the learned Assistant Sessions Judge and seek regular bail. But he apprehends that his application for regular bail may not be considered by the learned Judge on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

3. It is for the petitioner to appear before the learned Judge and explain to the learned Judge the circumstances under

which he could not earlier appear before the learned Judge. I have no reason to assume that the learned Judge would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Judge and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Judge must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

5. Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-